

Memorandum of Understanding Between the Department of Human Resource Management (DHRM) and the Department of Employment Dispute Resolution (EDR) Limiting Use of the EDR Administered Grievance Procedure and DHRM's Office of Equal Employment Services (OEES) Complaint and Concern Processes to Address the Same Work-Related Action.

An employee may not simultaneously use the DHRM Office of Equal Employment Services (OEES) complaint or concern processes and the EDR administered grievance procedure to address the same work-related action. However, if an employee has initiated a grievance based on one of the forms of discrimination covered by the DHRM Policy 2.05 or the Governor's Executive Order or Executive Directive prohibiting discrimination, he or she may terminate the grievance and initiate a complaint or register a concern, respectively, with OEES under the following conditions:

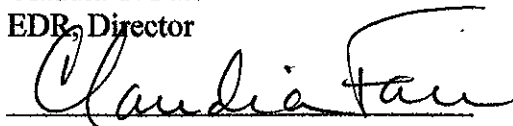
- (1) the grievance must be terminated by the employee prior to the employee's response to the agency head's qualification decision, *and*
- (2) the OEES complaint or concern must be initiated within 180 days of the alleged act of discrimination.

Similarly, an employee who has timely filed a complaint or registered a concern with OEES may request that OEES terminate that process and initiate a grievance regarding the complained of action under the following conditions:

- (1) the employee must request termination of a timely filed OEES complaint or concern prior to OEES's final decision regarding the complaint or concern; *and*
- (2) the grievance must be initiated within 30 calendar days of the termination of the OEES process.

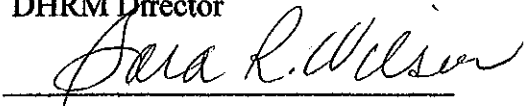
Once an employee has switched from one process to the other, he or she may not revert to the original process.

Claudia T. Farr
EDR Director



August 17, 2010
Date

Sara R. Wilson
DHRM Director



August 12, 2010
Date